

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

MELISSA STOCKTON, )  
v. )  
Plaintiff, )  
)  
v. ) Case No. 06-CV-357- GKF-PJC  
)  
HOUSECALLS HOME HEALTH )  
SERVICES, INC., ALLCARE HEALTH )  
SYSTEMS, INC. and DEREK APPLE, an )  
Individual, )  
)  
Defendants. )

**DEFENDANTS' MOTION TO DISMISS WITH PREJUDICE**

The Defendants, by and through counsel, hereby request that the Court dismiss this case with prejudice in accordance with Rule 41 of the Federal Rules of Civil Procedure. In support of this Motion, the Defendants state as follows:

1. This case was settled on November 28, 2007, just prior to jury selection.
2. On November 28, 2007, the parties announced the settlement of this case in open Court. The Court entered a Minute memorializing the settlement and ordering closing papers by December 14, 2007 [Dkt. No. 234].
3. On December 18, 2007 and January 2, 2008, Defendants' counsel's office sent emails to Plaintiff's counsel as to the status of the Stipulation of Dismissal (See Exhibit "A" attached hereto). However, Plaintiff's counsel has not responded to Defendants' counsel's office or filed the Stipulation of Dismissal with the Court.

4. On January 8, 2008, the Clerk of the Court entered an Administrative Closing Order [Dkt. No. 235].

5. The settlement of this matter has been fully resolved; therefore, the Defendants request that the Court enter an Order dismissing this case with prejudice.

WHEREFORE, for the reasons stated herein, the Defendants requests that the Court enter an Order dismissing this case with prejudice.

Respectfully Submitted,

*s/Reuben Davis*

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Reuben Davis, OBA # 2208  
Michael Pollard, OBA #17894  
Susan E. Walker, OBA #10859  
Garry M. Gaskins, II, OBA #20212  
Boone, Smith, Davis, Hurst & Dickman  
500 Oneok Plaza, 100 West Fifth Street  
Tulsa, Oklahoma 74103  
Phone: (918) 587-0000  
Fax: (918) 599-9317  
Email: [rdavis@boonesmith.com](mailto:rdavis@boonesmith.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on the 4th day of February, 2008, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Bill V. Wilkinson

*s/Reuben Davis*